

REMARKS

The rejection of Claims 1 through 27, as being unpatentable based on Turngren '836 in view of Mott et al (W092/19341) under 35 U.S.C. §103 is respectfully traversed. It is respectfully submitted that this is an improper rejection under the case of Graham v. John Deere. In addition, the Examiner is improperly using hindsight in an attempt to reconstruct the present invention based on the prior art. The disclosure in Turngren does not disclose or teach the following elements of Claim 1:

a) at least one side of each building block having a semicircular-shaped channel formed therein for alignment with the semicircular-shaped channel of another building block of the plurality of building blocks to form a circular channel; whereas Turngren does not disclose or teach within any of its plurality of building blocks at least one side of each building block having any semicircular-shaped channel formed therein for alignment with the semicircular-shaped channel of another building block of the plurality of building blocks to form a circular channel; and

b) a plurality of cylindrical rod-like members each for placement in one of the circular channels of the aligned building blocks and for extending from the aligned building blocks to support other building blocks in the plurality of building blocks; whereas Turngren does not disclose or teach the use of any plurality of cylindrical rod-like members each for placement in one

of the circular channels of the aligned building blocks and for extending from the aligned building blocks to support other building blocks in the plurality of building blocks.

The disclosure in Turngren does not disclose or teach the following elements of Claim 12:

a) at least one side of each building block having a partial channel formed therein for alignment with the partial channel of another building block of the plurality of building blocks to form a complete channel; whereas Turngren does not disclose or teach within any of its plurality of building blocks at least one side of each building block having any partial channel formed therein for alignment with the partial channel of another building block of the plurality of building blocks to form a complete channel; and

b) a plurality of rod-like members each for placement in one of the complete channels of the aligned building blocks and for extending from the aligned building blocks to support other building blocks in the plurality of building blocks; whereas Turngren does not disclose or teach the use of any plurality of rod-like members each for placement in one of the complete channels of the aligned building blocks and for extending from the aligned building blocks to support other building blocks in the plurality of building blocks.

The disclosure in Mott does not disclose or teach the following elements of Claim 1:

a) a plurality of building blocks each having a plurality of sides for interfitting with each other; whereas Mott does not disclose or teach a plurality of building blocks each having a plurality of sides for interfitting with each other. Further, Mott only discloses a plurality of sides that interface with each other and does not show those plurality of sides interfitting with each other, as depicted in Figures 16 and 17 of Mott.

b) at least one side of each building block having a semicircular-shaped channel formed therein for alignment with the semicircular-shaped channel of another building block of the plurality of building blocks to form a circular channel; whereas Mott does not disclose or teach within its plurality of building blocks at least one side of each building block having a semicircular-shaped channel formed therein for alignment with the semicircular-shaped channel of another building block of the plurality of building blocks to form a circular channel. Further, Mott only discloses a plurality of generally dovetail-shaped grooves 20, 50, or 64, as depicted in Figures 1, 8 and 14 of Mott, as compared to semicircular-shaped channels of the present invention;

c) each of the building blocks including an extending section and a recessed opening, the extending section of one building block for interfitting with the recessed opening of another building block of said plurality of building blocks;

whereas Mott does not disclose or teach that each of the building blocks includes an extending section and a recessed opening, where the extending section of one building block is used for interfitting with the recessed opening of another building block of the plurality of building blocks; and

d) a plurality of cylindrical rod-like members each for placement in one of the circular channels of the aligned building blocks and for extending from the aligned building blocks to support other building blocks in the plurality of building blocks; whereas Mott does not disclose or teach the use of a plurality of cylindrical rod-like members each for placement in one of the circular channels of the aligned building blocks and for extending from the aligned building blocks to support other building blocks in the plurality of building blocks. Mott only provides for a plurality of connecting elements 30 each having a star-shaped cross-section where these connecting elements can be for extending from said aligned building blocks to support other building blocks in said plurality of building blocks.

The disclosure in Mott does not disclose or teach the following elements of Claim 12:

a) a plurality of building blocks each having a plurality of sides for interfitting with each other; whereas Mott does not disclose or teach a plurality of building blocks each having a plurality of sides for interfitting with each other. Further, Mott

only discloses a plurality of sides that interface with each other and does not show those plurality of sides interfitting with each other, as depicted in Figures 16 and 17 of Mott; and

b) each of the building blocks including an extending section and a recessed opening, the extending section of one building block for interfitting with the recessed opening of another building block of said plurality of building blocks; whereas Mott does not disclose or teach that each of the building blocks includes an extending section and a recessed opening, where the extending section of one building block is used for interfitting with the recessed opening of another building block of the plurality of building blocks.

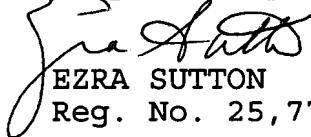
In conclusion, Turngren does not teach rods, and there is no reason to add rods to Turngren. In Turngren, the blocks interfit and support each other without any rods. There is no teaching in Turngren to use rods and to use them "for extending from said aligned building blocks to support other building blocks," as claimed in independent Claims 1 and 12. Thus, there is no reason to take the rods from Mott and to add them to Turngren.

Moreover, although Mott teaches rods, the blocks of Mott do not have the claimed "extending sections" for interfitting with another block. Thus, neither Turngren or Mott teach both interfiting blocks with extending sections and rods extending from aligned building blocks to support other building blocks.

Therefore, it would not have been obvious to combine these references without the use of hindsight.

Accordingly, it is submitted that Claim 1 to 27 should be allowed; and for these reasons, it is respectfully submitted that applicant's claims patentably distinguish over the prior art.

Respectfully submitted,

  
EZRA SUTTON  
Reg. No. 25,770

Plaza 9, 900 Route 9 North  
Woodbridge, New Jersey 07095  
(908) 634-3520

ES/mc